

IN THE DRAWINGS

Please delete drawing sheet 14, which included an “EXPLANATION OF REFERENCE SYMBOLS,” but did not include a specific figure.

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-12 are currently pending, Claims 1-11 having been amended, and Claim 12 having been added. The changes and additions to the claims do not add new matter and are supported by the originally filed specification, for example, on page 13, lines 13-19; page 16, lines 16-19; page 19, lines 9-17; page 10, lines 17-28; page 18, lines 9-19; page 24, line 26 to page 25, line 12; page 11, lines 12-22; page 10, line 29 to page 11, line 4; and Figs. 1, 4, 5, and 14.

In the outstanding Office Action, the IDS was objected to; the drawings were objected to; the specification was objected to; Claims 1, 7, and 10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite; Claims 7, 9, 10, and 11 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 1 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa et al. (U.S. Pub. No. 2003/0154187, hereafter “Hayakawa”); Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Anderson (U.S. Patent No. 6,298,401); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hayakawa in view of Gautam et al. (U.S. Patent No. 5,956,704, hereafter “Gautam”).

Applicants note that the Examiner did not consider the foreign reference AO (JP 2000-330836) listed in the Information Disclosure Statement (IDS) filed on May 9, 2006.

As stated in MPEP §609.04(a)(II):

Translations are not required to be filed unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. **If no translation is submitted, the examiner will consider the information in view of the concise explanation** and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts,

in the same manner that non-English language information in Office search files is considered by examiners conducting searches. (Emphasis added).

MPEP 609.04(a)(III) further states:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

Applicants note that a copy of JP 2000-330836 was submitted to the USPTO on May 9, 2006, as evidenced by the USPTO PAIR system. Applicants further submit that a concise statement of the relevance was included by submission of the International Search Report for related International Application No. PCT/JP2004/009891, filed with the current application on February 9, 2006. Accordingly, it is respectfully submitted that reference JP 2000-330836 must be considered by the examiner.

With respect to the objection to the drawings, Applicants submit that drawing sheet 14, which included an "EXPLANATION OF REFERENCE SYMBOLS" has been deleted. Applicants further submit that the reference symbols defined in drawing sheet 14 are already defined in at least Figs. 1 and 10 and their corresponding description in the originally filed specification. Therefore, Applicants respectfully submit that this objection is overcome.

With respect to the objection to the Abstract, Applicants respectfully submit that the present amendment to the Abstract overcomes this ground of objection.

With respect to the rejection of Claims 1, 7, and 10 under 35 U.S.C. §112, second paragraph, Applicants respectfully submit that the present amendment to Claims 1, 7, and 10, deleting the word "should", overcomes this ground of rejection.

With respect to the rejection of Claims 7 and 9 under 35 U.S.C. §101, Applicants respectfully traverse this ground of rejection. MPEP § 2106 provides that:

Office personnel have the burden to establish a *prima facie* case that the claimed invention **as a whole** is directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. **Only when the claim is devoid of any limitations to a practical application in a technological arts should it be rejected under 35 U.S.C. § 101.** (Emphasis added).

With regard to Claim 7, the Office Action takes the position that “Claim 7 describes a communication terminal. The modules would be reasonably understood by one of ordinary skill in the art to mean software, a software based component implementation, or an abstract concept based on software. Examples of components and concepts used in the claim are: requesting means, receiving means, program-updating means, comparing means, data schema updating means and such terms that are interpreted to mean abstract concepts and software implementations. There are no definitive hardware or physical components associated with these examples in the claims or in the specification.” (See Office Action, at page 8).

However, the Office Action has listed certain features in the claim as being interpreted as being software, however, Applicants submit that the claimed “communication terminal” is itself described in the specification as a physical, tangible, device (see at least Figs. 1, 5, and page 11, lines 12-22). Furthermore, amended Claim 7 now also recites a tangible “processor” and a “memory.”

Therefore, Applicants respectfully submit that Claim 7 **as a whole** is not directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result.

Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

With regard to Claim 9, Applicants note that the Office Action uses similar reasons as applied to Claim 7 in rejecting Claim 9 under 35 U.S.C. §101. However, Applicants submit that the claimed “update-information providing apparatus” is itself a physical, tangible,

device as described in the specification (see Fig. 4 and page 10, line 29 to page 11, line 4).

Furthermore, amended Claim 9 now also recites a tangible “processor.”

Therefore, Applicants respectfully submit that Claim 9 as a whole is not directed to solely an abstract idea or to manipulation of abstract ideas or does not produce a useful result. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

With respect to the rejection of Claims 10 and 11 under 35 U.S.C. §101, Applicants respectfully submit that the amendment to Claims 10 and 11, reciting a statutory computer readable storage medium, overcomes this ground of rejection.

With respect to the rejection of Claim 1 under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection.

Amended Claim 1 recites, *inter alia*,

A method of updating a database schema for a database on a communication terminal which stores a plurality of content data, comprising:

requesting that an update-information providing apparatus provide update-information about a latest version of a program used for the content data on the communication terminal and update information about a database schema corresponding to the latest version, the database schema indicating what types of information related to the content data can be stored in the database for each of the plurality of content data.

Applicants respectfully submit that Hayakawa fails to disclose or suggest at least these features of amended Claim 1.

Hayakawa is directed to a method of synchronizing application data stored in databases of a plurality of information processing devices. Fig. 1 of Hayakawa shows a system which includes a personal computer (PC) 300 and a handheld information terminal 200. Terminal 200 has a database which stores application data which replicates data stored in a database on the PC 300 (see para. [0064]). In a database 300a on the PC 300, each data

information item has an item ID and edit time information. Hayakawa also describes that there is a set of data (“field”) provided for each data information item (such as “start time,” “end time,” “place,” for a scheduled event) (see para. [0077]). When data communication is initiated between the terminal 200 and the PC 300, the PC converts the item IDs for all the stored items into ID numbers (see para. [0079]). The terminal 200 stores the ID numbers along with a synchronization profile SP which contains item IDs and ID numbers updated during a last previous data update operation between the PC 300 and the terminal 200 (see para. [0081]). Based on a comparison of the synchronization profile SP and the PC database 300a, it is possible to determine which items have been changed or deleted by comparing IDs and communication time information (see para. [0083] and [0131]).

Applicants note the Office Action cites to paragraph [0010] of Hayakawa and states that it describes “information about a database” which is interpreted as corresponding to the previously claimed “database schema.” However, amended Claim 1 clarifies that the “database schema” indicates “*what types of information related to the content data can be stored in the database for each of the plurality of content data.*”

Hayakawa describes synchronizing the content information stored on the databases between two devices which may have been edited since a last synchronization operation was performed. However, Hayakawa does not describe providing *update information about a database schema corresponding to the latest version, the database schema indicating what types of information related to the content data can be stored in the database for each of the plurality of content data.* Applicants note that Hayakawa describes a database schema being used, where different types of information are provided for a scheduled event, such as “start time,” “end time,” and “place.” However, Hayakawa does not describe that this schema itself is being updated when performing a synchronization between the PC 300 and the terminal 200. In other words, Hayakawa describes updating the actual content data of a

database on a terminal 200 to match the content data of the database on the PC 300.

However, Hayakawa does not describe that a new *type* of information for describing an event entry is made available for a latest version of a program where the terminal 200 needs to have its database schema updated so it can properly store content data that falls under the new type of information.

Therefore, Applicants submit that Hayakawa fails to disclose or suggest “requesting that an update-information providing apparatus provide update-information about a latest version of a program used for the content data on the communication terminal and update information about a database schema corresponding to the latest version, the database schema indicating what types of information related to the content data can be stored in the database for each of the plurality of content data,” as defined by amended Claim 1.

Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Hayakawa.

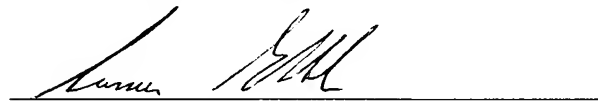
Anderson and Gautam have been considered but fail to remedy the deficiencies of Hayakawa with regard to amended Claim 1. Thus, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably distinguishes over Hayakawa, Anderson, and Gautam, either alone or in proper combination.

Amended independent Claims 7-11 and new Claim 12 recite features similar to those of amended Claim 1 discussed above. Thus, Applicants respectfully submit that Claims 7-12 patentably distinguish over Hayakawa, Anderson, and Gautam, either alone or in proper combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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